

REMARKS

Applicants previously presented claims 1-21 and 23-29 for examination. In the above-identified Office Action, all of the claims have been rejected.

Applicants appreciate the Examiner's detailed comments to the above-identified application. For the reasons to be stated below, however, Applicants respectfully traverse the Examiner's rejections.

By this amendment, Applicants have amended claims 1, 8, 14 and 21 to clarify the subject matter regarded as the invention. Accordingly, claims 1-21 and 23-29 remain pending. Reconsideration is respectfully requested based on the following remarks.

In the Office Action, the Examiner rejected (a) claims 1-7 under 35 USC 103(a) as being unpatentable over Ralston et al (US 6,389,454, hereinafter "Ralston") in view of Detjen et al (US 5,970,466, hereinafter "Detjen"); (b) claims 8-13 under USC 103(a) as being unpatentable over Ralston; (c) claims 14-20 under USC 103(a) as being unpatentable over Ralston in view of Rasansky et al (US 5,960,406, hereinafter "Rasansky"); and (d) claims 21 and 23-29 under USC 103(a) as being unpatentable over Ralston in view of Rasansky and further in view of Sheldon et al (US 6,708,205, hereinafter "Sheldon"). Applicants respectfully disagree.

Claims 1-7

Claims 1-7 were rejected under 35 USC 103(a) as being unpatentable over Ralston in view of Detjen.

In general, Ralston pertains to a system to schedule an appointment for a patient for treatment that utilizes a plurality of services at a multitude of facilities.

The Office Action stated that "Ralston does not teach registering service providers for appointments and providing appointment availability information." To remedy the deficiency, the Office Action introduced Detjen.

Detjen provides a software application on a personal computer to be used by a scheduler in an office to schedule appointments for another person, such as the scheduler's doctor. At the very least, Detjen does not cover on-line appointment services over a global computer network.

Moreover, both Ralston and Detjen do not teach or suggest a 3-party environment, with one party being service providers, the second party being a user requesting appointment with a service provider, and the third party managing the appointment process. The third party is independent of both the service providers and the user.

In Ralston, the appointment process is in an environment of service providers and users. The process is managed by an organization with multiple facilities, affiliated to service providers. Ralston teaches that "a preferred embodiment the scheduling system 10 of the present invention allows a client 20 to contact, via computer implementation, any one of an organization's 30, 40, 50 multiple facilities 35, 45, 55 to schedule an appointment."¹ "An organization 30, 40, 50 is the service provider whose multiple facilities 35, 45, 55 are accessible using the computer-implemented scheduling system 10 of the present invention."² "Access to each organization's 30, 40, 50 collective scheduling information begins at the scheduling system's 10 central schedule servers 80."³

Though Ralston teaches an embodiment with multiple organizations, those organizations are under a parent organization. "In an alternative embodiment of the scheduling system of the present invention, the client 20 can access multiple organizations 30, 40, 50 for the purpose of scheduling appointments at any of the multiple organizations' multiple facilities 35, 45, 55.... Under such a scenario, the various organizations' 30, 40, 50 scheduling information is compiled in a consolidation server 60."⁴ Referring to the figures of Ralston, it is not clear what the number 60 refers to. However, the term "consolidation server" is shown inside the circle 90, which is labeled as "Parent organization of org 1 and 2(N)." In other words, Ralston's scheduling process is managed by an organization or a parent organization of multiple organizations, affiliated with the service providers.

As described, Ralston teaches an environment of users and service providers. Ralston does not teach or suggest its process being managed by an entity that is independent of the parties in the appointment.

¹ Col. 4, lines 8-13, with emphasis added.

² Col. 4, lines 18-21, with emphasis added.

³ Col. 4, lines 35-37, with emphasis added.

⁴ Col. 7, lines 21-35, with emphasis added.

As to Detjen, schedulers for the service providers' enter information for the service providers. Detjen teaches an environment of schedulers or staff members and service providers. There is no teaching or suggestions of an independent third party managing the process to register service providers for on-line appointments.

Therefore, bringing in Detjen does not remedy Ralston's deficiency, not to mention the lack of motivation to combine Detjen and Ralston in the manner proposed by the Office Action.

The Office Action further admitted that "[T]he combination Ralston et al and Detjen et al fails to teach wherein the on-line appointment services are available to at least one non-registered service provider on a limited basis, which can motivate the non-registered service provider to become a registered service provider. However, it is well known that most businesses provide free trial memberships to potential subscribers, service providers, club members etc. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Ralston et al and Detjen et al to include this well known feature in order to encourage a member or service provider becoming regular member." Applicants respectfully disagree.

The "free trial" approach as suggested in the Office Action can be very complicated to implement. In Ralston, the membership concept, if there is one, can only be from the perspective of an organization, not the perspective of individual facility within the organization. This is because once an organization is using Ralston's system, all of its facilities can use the system. To allow an organization a "free trial," the organization has to install the appropriate software in different facilities, learn how to use the software, and then enter information regarding the capabilities at each facility into the installed system.

Similarly, in Detjen, the membership concept, if there is one, is from the perspective of an office or a business. To allow an office a "free trial," the office has to install the corresponding software into a computer, learn how to use it and then enter information into the installed system. Not only that Ralston and Detjen have not taught or suggested such "free trial," such trial for them probably can be quite complicated and, in turn, is not really "free". It is not obvious how one can modify Ralston and Detjen to include such "free trial" approach.

Thus, it is submitted that claim 1 with their dependent claims 2-7 are patentably distinct from Ralston and/or Detjen. Applicants respectfully request that the Examiner withdraw the rejection of claims 1-7 under 35 USC 103(a).

Claims 8-13

Claims 8-13 were rejected under 35 USC 103(a) as being unpatentable over Ralston. Applicants respectfully disagree.

As noted above, Ralston does not teach or suggest an on-line appointment process between a user and a server provider that is managed by an independent third party. Nor does Ralston teach or suggest service providers being registered or non-registered, with a user able to schedule an appointment with a non-registered service provider on a limited basis, which can motivate the non-registered service provider to become a registered service provider. Thus, it is submitted that claim 8 with their dependent claims 9-13 are patentably distinct from Ralston. Applicants respectfully request that the Examiner withdraw the rejection of claims 8-13 under 35 USC 103(a).

Claims 14-20

Claims 14-20 were rejected under USC 103(a) as being unpatentable over Ralston in view of Rasansky.

As stated in the Office Action, "Ralston does not teach using, transmitting or updating a user's electronic calendar." To remedy the deficiency, the Office Action introduced Rasansky.

Rasansky describes an invite process by which a user can invite another person or persons to an event. Rasansky does not teach or suggest registering service providers and storing information regarding service providers in a database to allow a user to schedule an on-line appointment.

The Office Action asserted that Rasansky teaches a database. But Rasansky uses a database in a different context and in a different way to get different results. In Rasansky, the database is not used in the context of service providers for on-line appointment. In Rasansky, the database is for the user to invite others to an event. When the user signs in, Rasansky checks the database for the user's record. "If such a record

does exist, the personal calendar belonging to the end user ... is shown.”⁵ The database can store user’s personal preferences.⁶ The system can search the database for messages sent to the user.⁷ If the user wants to send an invite, information in the database can be used to create an invite.⁸ To send an invite, the user “enters the Email address of the recipient(s)”⁹. Such a database is for the user. It is not a database of service providers to allow a user to schedule an on-line appointment with.

Similar, as acknowledged by the Office Action, Ralston also does not teach or suggest registering service providers. In other words, both Ralston and Rasansky do not teach or suggest registering service providers and storing information regarding service providers in a database to allow a user to schedule an appointment, let alone having a third party manage the registering process. Also, with both references not teaching or suggesting registering service providers, both references cannot possibly teach or suggest allowing non-registered service providers to schedule with a user to motivate the non-registered service providers to become registered.

Finally, there is also no motivation to combine Ralston and Rasansky. The Office Action asserted that “The reason both inventions [Ralston and Rasansky] are analogous art is because both inventions are in the field of schedule appointments over a computer network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Ralston service provider scheduling system with the calendar interface of the Rasansky appointment scheduling system in order to present the user with a calendar interface because calendars are old and very well known in the art of appointment scheduling. A calendar would make the device easier to use and would allow the users to see at a glance what appointments were to be scheduled for a specific day.” Applicants respectfully disagree.

Rasansky’s invite process is distinctly different from Ralston’s scheduling appointments. In Rasansky, to invite a person, Rasansky emphasizes simplicity. “The Appointnet system ... allows nearly an infinite number of clients to make and confirm

⁵ Col. 13, lines 49-55 of Rasansky.

⁶ Col. 15, lines 22-28 of Rasansky.

⁷ Col. 15, lines 59-64 of Rasansky.

⁸ Col. 16, lines 12-19 of Rasansky.

⁹ Col. 18, lines 4-5 of Rasansky.

appointments with each other.”¹⁰ The important factor is to set the time, not setting the type of event--“a current end user wants to propose times for a meeting”¹¹

On the other hand, Ralston’s appointment process is different and more complicated. First, in Ralston, the appointment process is for facilities within an organization, not for an infinite number of clients. Second, the type of appointment has to be determined (the constraints in the appointment requested) before resolving the time factors from the different services at many facilities required for the treatment. It is not even clear that the calendar system in Rasansky would be that useful in Ralston’s complicated context. In Ralston, after resolving all the details required for a treatment, there may not be that many appointment candidates to select from.

Thus, there is no motivation to combine the calendars in Rasansky into Ralston, and obviousness cannot be based on hindsight reconstruction alone.

It is submitted that claim 14 with its dependent claims 15-20 are patentably distinct from Ralston and/or Rasansky. Applicants respectfully request that the Examiner withdraw the rejection of claims 15-20 under 35 USC 103(a).

Claims 21, 23-29

Claims 21 and 23-29 were rejected under USC 103(a) as being unpatentable over Ralston in view of Rasansky and further in view of Sheldon.

As stated in the Office Action, Ralston does not teach “an on-line calendar, a database or a directory of service providers.” To remedy the situation, the Office Action introduced Rasansky and Sheldon, particularly bringing in Sheldon for “a directory of service providers.”

As described above, Rasansky’s use of calendar and database is different from Ralston, and it is not obvious to combine Rasansky and Ralston in the context as proposed by the Office Action.

Sheldon, in general terms, is related to issues regarding the vast volume of messages sent and received daily through e-mail. Sheldon teaches a directory of email addresses that are designated accordingly. “If an e-mail address is designated as

¹⁰ Col. 18, lines 41-45 of Rasansky.

¹¹ Col. 2, lines 38-39 of Rasansky.

'accepted', then messages received from that e-mail address will be placed into the appropriate inbox for the destination address If an e-mail address is designated as 'rejected', then messages received from that e-mail address will be blocked."¹² Sheldon also teaches maintaining "an address book (e.g. database) that allows the user to add/edit/delete contact information."¹³ As shown in the above descriptions, Sheldon does not pertain to registering service providers for on-line appointments. Thus, there is no motivation to combine Sheldon, Ralston and Rasansky in the manner suggested by the Office Action.

Moreover, similar to Ralston and Rasansky, Sheldon does not teach or suggest a system configured to register service providers, and having a database storing information of the service providers with whom appointment can be scheduled, let alone motivating not-yet registered service provider to become registered, and having a third party manage such a system. Therefore, bringing in Sheldon cannot possibly remedy the deficiencies in Ralston and Rasansky.

Hence, it is submitted that claim 21 with its dependent claims 23-29 are patentably distinct from Ralston, Rasansky and/or Sheldon. Applicants respectfully request that the Examiner withdraw the rejection of claims 21, and 23-29 under 35 USC 103(a).

[Intentionally left blank]

¹² Col. 9, lines 56-62 of Sheldon.

¹³ Col. 17, lines 4-7 of Sheldon.

The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above discussed limitations are clearly sufficient to distinguish the claimed invention from Ralston, Detjen, Rasansky and/or Sheldon. Thus, it is respectfully requested that the Examiner withdraw the rejection of claims 1-21 and 23-29 under 35 USC 103(a). Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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